IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.5710 OF 2004

Imtiyaz Ahmed @ Israil Shaikh ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.C.K.Talekar for Applicant.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 27, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record. Having regard to the seriousness of the offence and the materials on record to indicate complicity of the Applicant, not a case for bail.

2. The argument that there is contradiction in the statements of two witnesses, is a matter for trial. That cannot be the basis to release the

Applicant on bail, especially when the prosecution case spells out motive and also the role of the Applicant herein, in the commission of the offence. I see no reason to depart from the conclusion reached by the Court below. Hence, rejected.

3. The Principal Judge, Sessions Court, Mumbai, is directed to assign the case to the Fast Track Court, if already not done, so as to ensure early disposal of the trial.

4. The Applicant shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be taken into account if and when the occasion arises.

5. Application disposed of on the above terms.

A.M.KHANWILKAR, J.